IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

LA.App..No. 371 of 2007()

LAR.382/1999 of PRL.SUB COURT, KOZHIKODE
.....

APPELLANT: RESPONDENT

THE SPECIAL TAHSILDAR, LA,N.H.-II,
KOZHIKODE.

BY GOVERNMENT PLEADER SHRI BASANT BALAJI

RESPONDENTS: CLAIMANT

T.A.VENUGOPALAN,
THEKKE AKKARAVEETTIL, AVASS, KUNNUMMAL,
MALAPARAMBA, KOZHIKODE.

BY ADV. SRI.P.V.KUNHIKRISHNAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

==========

L.A.A. NO. 371 OF 2007

==========

Dated this the 24th day of October, 2007

J U D G M E N T

Heard. Admitted. Advocate Shri P.V. Kunhikrishnan takes notice for the respondent. The appeal itself is heard and disposed of as agreed to by both sides.

2. This appeal is filed against the decree and judgment passed by the Principal Sub Court, Kozhikode in L.A.R. No.382 of 1999 by which the learned Sub Judge had awarded enhanced land value. Land Acquisition Officer awarded land value at the rate of Rs.13,200/- per cent. That was enhanced to Rs.25,000/- per cent by the learned Sub Judge relying on a judgment of that court in L.A.R. No.550 of 1997, marked as Exhibit A2. Challenging the decree and judgment passed in L.A.R. No.550 of 1997 State had filed L.A.A. No.564 of 2001 before this Court. This Court by judgment dated 27.7.2005 allowed the appeal, set aside the decree and judgment passed in L.A.R. No.550 of 1997 and the matter was remanded. Since the judgment, the very basis on which land value was

enhanced, was set aside and case was remanded, the enhancement granted in this case is to be set aside and the case also is to be remanded for fresh disposal.

3. In the result, appeal is allowed. The decree and judgment passed in L.A.R. No.382 of 1999 are hereby set aside and the case is remanded. The Principal Sub Court, Kozhikode is directed to take L.A.R. No.382 of 1999 back to file and dispose of the same afresh in accordance with law. after affording opportunity to both sides to adduce evidence, if so advised.

Parties are directed to appear before the Sub Court on 5.12.2007.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

==========

L.A.A. NO. 371 OF 2007

==========

J U D G M E N T

24TH OCTOBER, 2007